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AUG 28 2006

OFFICE OF PETITIONS

In re Application of :
David A. Monroe :
Application No. 09/960,126 :
Filed: September 21, 2001 :
Attorney Docket No. :
121817.001.051 :

This is a decision in response to the Petition Under 37 CFR 1.137(b), filed October 24, 2005, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **dismissed as untimely.**

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-compliant Amendment (hereinafter "Notice"), mailed July 29, 2005, which set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a).

Applicant files the instant reply within two (2) months after the reply was due; however, extensions of time under 37 CFR 1.136(a) were available up to five (5) months as set forth in the Notice.

In order to make the reply timely, a two (2) month extension of time and fee are required. Applicant has filed the petition fee, \$1500.00, with the petition. Accordingly, the fee for a two (2) month extension of time, \$450.00, will be charged from the \$1500.00 submitted, and the balance refunded to Applicant via treasury check, as no authorization to refund fees to a deposit account has been located among the application papers.

This application is being referred to Technology Center Art Unit 2142 for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods

Attorney
Office of Petitions